

**REMARKS/ARGUMENTS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 2, 4, 6-14, 16, 18-23, and 25 are amended for clarification purposes and to correct informalities, and new Claims 31-33 are added. Claims 3, 5, 15, and 24 were cancelled in previous responses. Claims 26-30 were withdrawn from consideration. As such, Claims 1, 2, 4, 6-14, 16, 18-23, 25, and 31-33 are now pending in this application.

I. **Interview Summary**

Applicants thank the Examiner for her courtesy extended during the brief telephone conversation on May 7, 2009, and during the telephone interview on June 3, 2008.

During the interview, Applicants presented the proposed amendments to Claim 1, particularly the elements of “selectively presenting a storyboard in the user interface, wherein the storyboard comprises a plurality of chronologically-arranged facial images of the individual captured at different times as part of the multi-modal chronological dossier of the individual,” and “cross-matching multiple factors of the individual with at least some of the plurality individuals in the relational database to confirm the individual’s identity.” (Emphasis added.)

Applicants further argued that the proposed amendments would place the claims in condition for allowance. In the instant Office Action, the Examiner has relied upon United States Patent No. 6,947,578 to Lee (hereinafter “Lee”) to supply “a plurality of images ... captured at different times.” However, Applicants have noted that the purported “images” are graphical presentation of fingerprints, not the “facial images” as claimed. Further, such fingerprints as taught by Lee are not arranged in a chronological order. Furthermore, as fingerprints do not normally change, there is no motivation to put them in a chronologically arranged order.

The Examiner has relied upon United States Patent No. 6,988,075 to Hacker (hereinafter “Hacker”) to supply a chronological dossier. Applicants argued that Hacker is

non-analogous art because Hacker teaches a chronological medical record for an individual patient. In addition, there is no motivation to place medical records for multiple patients in a relational database and “cross-matching multiple factors of the individual” “to confirm the individual’s identity.” This is because it is extremely rarely the case that a patient’s identity is lost so that the patient’s data need to be cross-matched with other patients’ records, unlike the field of security as the claimed invention. Further, the confidentiality requirement of the medical records would teach away from the claimed invention.

The Examiner suggested that the proposed claim amendments appear to be sufficient to overcome the existing rejections. However, the Examiner feels that a new search may be needed, and that more references may be combined to make the rejection in view of *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007). Accordingly, the Examiner has suggested Applicants to further amend the claims, possibly along the line of clarifying the “chronologically arranged” information.

As discussed below, by way of this Reply, Applicants have further amended the claims. In addition, Applicants noted that the present application was filed on November 27, 2001, and believe that there are no known references dated earlier than the filing date of the present application that would anticipate or obviate the claimed invention.

## **II. Objection to the Specification**

In section 3 of the Office Action, the Specification was objected to as failing to provide the phrase “summary profile” as claimed in Claims 1, 6, 14, 18, 21, and 25.

By way of this Reply, Claims 1, 6, 14, 18, 21, and 25 have been amended to remove the phrase “summary profile.” Accordingly, the objection to the Specification is now moot.

## **III. Claim Rejections Under 35 U.S.C. § 101**

In section 5 of the Office Action, Claims 14, 16, and 18-20 were rejected under 35 U.S.C. § 101 as the claimed invention is directed to non-statutory subject matter.

By way of this Reply, Claims 14, 16, and 18-20 have been amended to include a physical computer hardware to execute the software components, as suggested by the

Examiner. Accordingly, Applicants respectfully submit that the claimed invention is statutory, and request withdrawal of Claims 14, 16, and 18-20 under 35 U.S.C. § 101.

**IV. Claim Rejections Under 35 U.S.C. § 103(a)**

In section 6 of the Office Action, Claims 1, 2, 4, 6-14, 16, 18-23, and 25 were rejected as being unpatentable over United States Patent No. 7,006,671 to Yamaguchi (hereinafter “Yamaguchi”) in view of United States Patent No. 7,068,309 to Toyama et al. (hereinafter “Toyama”), in view of Lee, and further in view of Hacker. Applicants respectfully submit that the rejection is moot in view of the claim amendments.

**A. Whether considered separately or in any combination, the cited references fail to teach, suggest, or describe all of the claimed elements**

As discussed above, whether considered separately or in any combination, Yamaguchi, Toyama, Lee, and Hacker fail to teach, suggest, or describe “selectively presenting a storyboard in the user interface, wherein the storyboard comprises a plurality of chronologically-arranged facial images of the individual captured at different times,” or “cross-matching multiple factors of the individual with at least some of the plurality individuals in the relational database to confirm the individual’s identity,” as recited in amended independent Claims 1, 14, and 21. (Emphasis added.)

In addition, following the Examiner’s suggestions, Applicants have further amended the independent Claims 1, 14, and 21 to recite that the “storyboard comprises a plurality of chronologically-arranged facial images of the individual captured at different times to reflect the individual’s changes in appearance over time.” (Emphasis added.) Applicants respectfully submit that whether considered separately or in any combination, Yamaguchi, Toyama, Lee, and Hacker, or any other references known to Applicants, fail to teach, suggest, or describe at least these additional features.

Further, Applicants respectfully submit that on page 8 of the instant Office Action, the Examiner has incorrectly relied upon Fig. 8A of Lee to supply the claimed “a plurality of chronologically-arranged facial images of the individual captured at different times.”

Contrary to the Examiner's assertions, Lee teaches capturing different views of the individual *at the same time*.

More specifically, Lee is directed toward “[a] system (10) for capturing identification data pertaining to a subject ....” (Abstract). The system of Lee includes “a plurality of image capturing devices 300a, 300b, 300c ....” (Col. 5, lines 7-8; Fig. 1). The “image capture devices 300a-300c are controlled to capture the graphic representations in substantially concurrent manner.” (Col. 5, lines 16-18). As such, the capture devices “simultaneously capture multiple views of subject 20, [and] a single flash or illumination cycle of lighting system 500 may be efficiently shared for the capture of such multiple views.” (Col. 7, lines 61-64; emphasis added). Indeed, Fig. 8A of Lee clearly shows a right-side view 1152a, a center view 1152b, and a left-side view 1152c of an individual that are simultaneously captured.

For at least these reasons, Applicants respectfully submit that Claims 1, 14, and 21 are in condition for allowance, and request withdrawal of the rejection under 35 U.S.C. § 103(a). For at least the same reasons, Applicants respectfully request withdrawal of the rejection of Claims 2, 4, and 6-13, which depend from Claim 1, Claims 16 and 18-20, which depend from Claim 14, and Claims 22, 23, and 25, which depend from Claim 21.

B. There is no reason, motivation, or suggestion to combine the cited references

As Applicants have argued during the telephone interview, there is no reason, motivation, or suggestion to combine Yamaguchi, Toyama, Lee, and Hacker, or to modify the combined system to arrive at the claimed invention. This is evident from the fact that both Hacker and Lee teach away from the claimed invention.

More specifically, Hacker is directed toward “[a]n electronic medical record system ... for centrally storing patients medical records electronically on a database for patient-controlled remote access by both patients and medical providers.” (Abstract). With reference to Figure 2, Hacker discloses that “hypertext links to the records can be chosen from a chronological table of contents (TOC), or from other categorized sections 220 ....” (Col. 8, lines 62-64). Thus, Hacker discloses a chronologically organized list of medical records

associated with a patient. As well known in the medical art, the patients' identities are protected by the privacy law. Thus, the system of Hacker must avoid presenting an individual patient's facial images, or at least avoid comparing the patient's information with other patients' information. Accordingly, Hacker teaches away from the claimed invention.

Lee also teaches away from the claimed invention. Lee clearly requires that the plurality of images must be captured simultaneously so that the problems, which would arise if capturing the images at different times, "plaguing the separate capture of images is thus avoided." (Col. 7, lines 66-67). These problems include "disuniformity of exposures," and "the lack of precise correspondence between separately acquired views of subject 20." (Col. 7, line 64 – col. 8, line 5). Figure 8A of Lee illustrates "a plurality of views 1152a, 1152b, 1152c of the subject captured concurrently from different angular perspectives." (Col. 10, lines 30-32; Fig. 8A). Thus, Lee teaches avoiding capturing the images at different times. Applicants respectfully note that MPEP § 2141.02 states that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention."

The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "'[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.' " *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396. Exemplary rationales that may support a conclusion of obviousness include, for example, that "[k]nown work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art," and "[S]ome teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention." (Examination Guidelines for Determining Obviousness under 35 U.S.C. 103, MPEP 2141; emphasis added).

Thus, KSR does not relieve the Examiner from considering the prior art reference as a whole. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Further, it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). The fact that both Lee and Hacker teach away from the claimed invention strongly suggests that there is no reason, motivation, or suggestion to combine Yamaguchi, Toyama, Lee, and Hacker.

In view of the above, Applicants respectfully submit that Claims 1, 14, and 21 are in condition for allowance, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). For at least the same reasons, Applicants respectfully request withdrawal of the rejection of Claims 2, 4, and 6-13, which depend from Claim 1, Claims 16 and 18-20, which depend from Claim 14, and Claims 22, 23, and 25, which depend from Claim 21.

V. New Claims 31-33

Newly added Claims 31, 32, and 33 depend from Claims 1, 14, and 21, respectively, and thus should also be in condition for allowance for at least the same reasons discussed above with respect to Claims 1, 14, and 21.

In addition, new Claims 31-33 each recite that “the security entry point is an entry point to a country, and the database information comprises at least one of visa or passport information,” with respect to which the prior art is silent. Thus, Claims 31-33 should be allowable for at least this additional reason.

Accordingly, Applicants respectfully request entry and favorable consideration of new Claims 31-33.

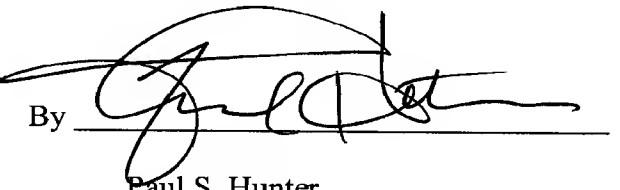
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

By

  
Paul S. Hunter  
Attorney for Applicants  
Registration No. 44,787

Date June 4, 2008

FOLEY & LARDNER LLP  
Customer Number: 23524  
Telephone: (608) 258-4292  
Facsimile: (608) 258-4258